

REMARKS

The present Amendment is in response to the Official Action mailed January 29, 2007. In the present Amendment, claims 1, 21, and 22 have been amended. In previous responses, claims 15, 16, and 19 have been cancelled. Therefore, claims 1-14, 17, 18, and 20-23 are currently pending. The following sets forth Applicants' arguments relating to the presently pending claims.

As an initial matter, Applicants thank the Examiner for indicating that the subject matter of claims 14, 17, 18 and 20 is allowable and for taking the time on April 4, 2007 to discuss the outstanding Action with Applicants' undersigned counsel. In that discussion, each and every one of the above-made amendments to the claims were discussed. Specifically, claims 21 and 22 were amended in accordance with the Examiner's suggestions that such depend from claim 20, as opposed to cancelled claim 19. This amendment, as was indicated by the Examiner, overcomes the rejection of claims 21-23 under 35 U.S.C. § 112, second paragraph.

Furthermore, with regard to the rejection of claims 1-7, 9, 10, 12, and 13 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,749,876 to Duvillier et al. ("Duvillier") in view of U.S. Patent Application Publication No. 2004/0260301 to Lionberger et al. ("Lionberger"), the above-made amendments to independent claim 1 were discussed in detail in the aforementioned April 4<sup>th</sup> telephone discussion. Applicants have amended such claim to refer to an elongate slot in the first polymeric body portion, instead of the originally claimed aperture. This, as was stated by the Examiner, overcomes Duvillier. In addition, independent claim 1 has also been amended to require that the at least one elongate slot and the cutting tool guide surface of the non-polymeric second body portion extend in a first plane. Thus, a cutting tool can be

extended through the elongate slot and along the cutting tool guide surface, in this first plane in order to make the necessary bone resections. This is also contrary to that which is taught in Duvillier. It is noted that dependent claims 6, 8, and 11 have also been amended to properly refer to an elongate slot instead of the originally claimed aperture.

As is stated above, and as was discussed fully during the telephone discussion of April 4<sup>th</sup>, both Applicants and the Examiner agree that currently amended independent claim 1, as well as its dependent claims 2-13, are not obviated by the combination of Duvillier and Lionberger. Duvillier simply does not teach the newly added elongate slot and first plane claim limitations of independent claim 1. In light of the also discussed amendments to dependent claims 21 and 22 to overcome the § 112 rejections of claims 21-23, and given that claims 14, 17, 18, and 20 were noted as allowable over the prior art of record in the Official Action, Applicants respectfully request allowance of each and every one of the currently pending claims.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone Applicants' attorney at (908) 654-5000 in order to overcome any additional objections which he might have.


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Docket No.: OSTEONICS 3.0-477

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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